



October 3, 2002

Ms. Bonnie Lavelle
Remedial Project Manager
EPA Region 8 (8EPR-SR)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

RE: Proposed Plan for Cleaning Up Residential Soils within the Vasquez Boulevard & Interstate 70 Superfund Site-Denver, Colorado

Dear Ms. Lavelle

Asarco is providing in this letter additional comment on EPA's approach for addressing residential soils at the Vasquez Boulevard / I-70 site in Denver. ASARCO is providing this comment without waiving any of the objections and comments it has previously made on the Risk Assessment and Remedial Investigation / Feasibility Study, either in writing or in meetings with the EPA and the Work Group. This letter is also in addition to those comments on the proposed plan sent to you on June 10, 2002.

ASARCO has become aware that EPA has apparently elected to modify the proposed cleanup criteria for residential soils at the Vasquez Boulevard / I-70 site from the proposed levels of 540 ppm Lead and 128 ppm Arsenic. We understand that the revised levels will be 400 ppm Lead and 70 ppm Arsenic. ASARCO views this modification as arbitrary, capricious, and inconsistent with the goal of establishing cost effective remedies that are protective of human health and the environment.

In the proposed plan EPA noted that levels of 1100 ppm Lead and 240 ppm Arsenic would be protective based on modeling. Additionally, under conditions as they exist today, ASARCO knows of no significant elevation of children's blood lead levels in the community that can be attributed to lead in soil. Moreover the impact of arsenic in soil has not been shown to be providing adverse health impact. ASARCO's June 10 comments noted that the reasons and support for reducing the 1100 and 240 criteria to 540 and 128 was not clearly stated. This current additional reduction is even less understood and in ASARCO's view is not scientifically justified.

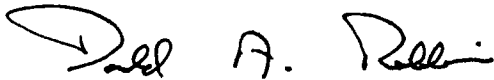
The 400ppm lead remediation level is particularly problematic. This level of lead in soil was developed nationally by EPA as a screening level, not a cleanup criteria. In

an urban area like the VB/I-70 part of Denver, ASARCO believes that there is a potential that the geographical size of the cleanup area will become enormous. The reason for this lies in the fact that historical use of lead based paint, tetraethyl lead in gasoline, pesticides and herbicides containing lead, etc. may result in a large number of residential properties with soil lead levels in excess of 400 ppm, thus requiring remediation and sampling to continue into the foreseeable future.

Although ASARCO understands that EPA will be the lead entity in this residential cleanup, ASARCO views the cleanup criteria and the manner it was selected as a dangerous precedent. ASARCO is looking at how it can work cost effectively to accomplish its environmental cleanup obligations, and based on the attached article ASARCO believes that EPA is being asked to do the same. The arbitrary selection of overly conservative cleanup criteria is inconsistent with good scientific practice and runs counter to the goal of cost effective environmental and public health protection.

Should you have questions on this comment, I can be reached at (602) 977-6513.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Donald A. Robbins". The signature is fluid and cursive, with a large initial "D" and "R".

Donald A. Robbins
Director of Environmental Services

cc: Thomas L Aldrich
Robert A. Litle
Scott Thomas